

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CLOSED

MICHAEL GRANT also known as
ALUTA NUBIA,

Petitioner,

V.

LARRY GLOVER, et al.,

Respondents.

Civil Action No. 09-5566 (DMC)

O R D E R

This matter comes before the Court on Petitioner's application for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254; and it appearing that:

1. Petitioner is a convicted state prisoner confined at the Northern State Prison in Newark, New Jersey, at the time he submitted his § 2254 habeas petition for filing, on or about October 30, 2009.

2. Petitioner did not prepay the \$5.00 filing fee for a habeas petition as required by Local Civil Rule 54.3(a); nor did he submit an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

3. On May 7, 2010, this Court issued an Order directing the Clerk of the Court to supply Petitioner with a blank in forma pauperis application, and giving Petitioner 30 days to either remit the \$5.00 filing fee or submit a complete in forma pauperis

application certified by an authorized official at the Northern State Prison, as required by Local Civil Rule 81.2(b). The Order further provided that if Petitioner did not comply within the 30 days, the petition would be deemed withdrawn and the Clerk would be directed to close the file in this matter.

4. Petitioner has not responded to this Court's May 7, 2010.

5. Petitioner also has not notified the Clerk of the Court of any change of address as required by Local Civil Rule 10.1. On May 14, 2010, mail sent to his last known address at Northern State Prison was returned as undeliverable. (Docket entry no. 5).

THEREFORE, based on the foregoing,

IT IS on this 26th day of July, 2010,

ORDERED that, because Petitioner has failed to either remit the \$5.00 filing fee, pursuant to Local Civil Rule 54.3(a), or submit a completed and signed application to proceed in forma pauperis with a certification signed by an authorized official at the Northern State Prison certifying his account balance as required under Local Civil Rule 81.2(b), as ordered by this Court in its May 7, 2010 Order, and because Petitioner has failed to notify the Clerk of the Court of any change of address as required by Local Civil Rule 10.1, the Clerk of the Court is

directed to deem this action as withdrawn and to close the file without filing same or assessing a filing fee.

S/ Dennis M. Cavanaugh
DENNIS M. CAVANAUGH
United States District Judge